



City of Albuquerque

Legislative File Number O-05-151 (version 3)

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## **CITY of ALBUQUERQUE SIXTEENTH COUNCIL**

**F/S Amending ROA 1994, Providing Additional Standards for Determining When Dwelling Units Should be Allowed as Conditional Uses in a C-1 Zone (Neighborhood Commercial Zone) or C-2 Zone (Community Commercial Zone) (Cadigan)**

## **CITY of ALBUQUERQUE SIXTEENTH COUNCIL**

**AMENDING SECTIONS 14-16-2-16 AND 14-16-2-17 OF THE REVISED ORDINANCES OF ALBUQUERQUE, NEW MEXICO, 1994, RELATING TO THE ZONING CODE, PROVIDING ADDITIONAL STANDARDS FOR DETERMINING WHEN DWELLING UNITS SHOULD BE ALLOWED AS CONDITIONAL USES IN A C-1 ZONE (NEIGHBORHOOD COMMERCIAL ZONE) OR C-2 ZONE (COMMUNITY COMMERCIAL ZONE) BASED ON THE DESIGN CAPACITY OF SCHOOLS AND THE RATIO OF HOUSING UNITS TO JOBS.**

**BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:**

**Section 1. Section 14-16-2-16(B)(6) ROA 1994 is amended to read:**

**“§ 14-16-2-16 C-1 NEIGHBORHOOD COMMERCIAL ZONE.**

**This zone provides suitable sites for office, service, institutional, and limited commercial uses to satisfy the day-to-day needs of residential areas.**

**(B) Conditional Uses.**

**(6) Dwelling unit (house, townhouse, or apartment), provided:**

(a) usable open space is provided on-site in an amount equal to 400 square feet for each efficiency or one-bedroom dwelling unit, 500 square feet for each two-bedroom dwelling unit, and 600 square feet for each dwelling unit containing three or more bedrooms. If located in an area designated by the master plan as "Developing" or "Semi-Urban," the total open space requirements of the R-D or RA-1 zone respectively, shall be met.

(b) where schools are at or over their designed capacity, dwelling units shall not be approved as a conditional use unless the applicant demonstrates that the proposed use will create no net increase in enrollment for area schools (e.g. senior housing).

(c) the ratio of jobs to housing units within an Impact Fee Transportation Service Area shall be a factor when determining whether approving additional dwelling units as a conditional use will be injurious to the community pursuant to § 14-16-4-2(C)(1)(a) and when the number of jobs divided by housing units falls below one point two (1.2) it shall be prima facie evidence of being injurious to the community.”

Section 2. Section 14-16-2-17(B)(6) ROA 1994 is amended to read:  
“§ 14-16-2-17 C-2 COMMUNITY COMMERCIAL ZONE.

This zone provides suitable sites for offices, for most service and commercial activities, and for certain specified institutional uses.

**(B) Conditional Uses.**

(6) Dwelling unit (house, townhouse, or apartment), provided:

(a) usable open space is provided on-site in an amount no less than specified in the R-3 zone; no more shall be required than specified in the R-2 zone except if located in an area designated by the master plan as "Developing" or "Semi-Urban," the total open space requirements of the R-D or RA-1 zone, respectively, shall be met.

(b) where schools are at or over their designed capacity, dwelling units shall not be approved as a conditional use unless the applicant demonstrates that the proposed use will create no net increase in enrollment

for area schools (e.g. senior housing).

(c) the ratio of jobs to housing units within an Impact Fee Transportation Service Area shall be a factor when determining whether approving additional dwelling units as a conditional use will be injurious to the community pursuant to § 14-16-4-2(C)(1)(a) and when the number of jobs divided by housing units falls below one point two (1.2) it shall be prima facie evidence of being injurious to the community.”

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